

IN THE UNITED STATES BANKRUPTCY COURT
FOR THE SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION

IN RE:)
) Case No. 3:19-bk-30822
TAGNETICS INC.,)
) Chapter 7 (Involuntary)
Alleged Debtor.)
) JUDGE GUY R. HUMPHREY

**ALLEGED DEBTOR'S MOTION FOR ENLARGEMENT OF TIME
TO ANSWER INVOLUNTARY BANKRUPTCY PETITION**

Tagnetics Inc. ("Alleged Debtor"), by counsel, requests an extension of time to file its answer to this involuntary Chapter 7 bankruptcy filing, pursuant to the provisions of Rule 9006(b)(1), Federal Rules of Bankruptcy Procedure and LBR 9013-1. In support of the Motion the Alleged Debtor represents:

1. This case was commenced by the filing of an involuntary bankruptcy petition on March 19, 2019. According to the Certificate of Service [D.E. 2]¹ filed by the petitioning creditors, summons and petition were served on a relative of an officer of the Alleged Debtor on April 2, 2019. Therefore, an answer to the involuntary petition is due on or before April 23, 2019.
2. No order for relief has been entered.
3. Alleged Debtor reasonably requires an additional twenty-one (21) days to adequately investigate this matter and answer or otherwise respond to the involuntary bankruptcy petition, as described in more detail in paragraph 7 below.

¹ An earlier Summons was mailed to one of Alleged Debtor's attorneys on March 29, 2019, but this clearly was not effective service. Debtor reserves the right to assert all claims, defenses to the Petition.

4. If the requested extension is granted, Alleged Debtor would have to and including May 14, 2019 to answer or otherwise respond to the involuntary petition.

5. Rule 9006(b)(1), Federal Rules of Bankruptcy Procedure, governs the enlargement of time and provides in relevant part that:

.... when an act is required or allowed to be done at or within a specified period by these rules..., the court for cause shown may at any time in its discretion (1) with or without motion or notice order the period enlarged if the request therefor is made before the expiration of the period originally prescribed

6. This request for enlargement of time is not sought for the purpose of delay or for any other improper purpose.

7. The petitioning creditors have not engaged counsel, but the individual petitioning creditors have not yet consented to the relief requested herein.

8. Among other things, the Alleged Debtor needs to employ bankruptcy counsel and investigate its defenses and claims, including:

- a. whether the claims of the petitioning creditors are even valid, since the first time the Alleged Debtor learned of such claims was by receiving the petition;
- b. whether the petitioning creditors should be required to post a bond under 11 U.S.C. §303(c);
- c. whether abstention under 11 U.S.C. §305 is appropriate, given the facts of this case; and
- d. whether the secured creditor(s) has an opinion regarding the best course of conduct for the Alleged Debtor.

WHEREFORE, Alleged Debtor respectfully requests that the within Motion be granted and that the deadline to answer or otherwise respond to the involuntary bankruptcy petition herein be extended to and through May 14, 2019, and that the Court grant such other relief as is appropriate. A proposed Order is submitted herewith for the convenience of the Court.

Respectfully submitted,

DATED: April 23, 2019

/s/ Robert R. Kracht
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CERTIFICATE OF SERVICE

I hereby certify that on April 23, 2019, a copy of the foregoing *Alleged Debtor's Motion for Extension of Time to Answer Involuntary Bankruptcy Petition* was filed electronically and served via first-class, U.S. Mail, postage prepaid and properly addressed, upon the following parties:

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